MOTION FILED
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No. 95-1441

(21)

In the
Supreme Court of the United States
October Term, 1996

LINDA J. BLESSING, Director, Arizona Department of Economic Security, in her official capacity,
Petitioner,

vs.

CATHY FREESTONE, et al.,
Respondents.

On Writ of Certiorari To The United States Court of Appeals For The Ninth Circuit

Motion for Leave to File 37 Page *Amicus Curiae* Brief of the Anti-Poverty Project of the Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School in excess of the 30 Page Limit

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In Support of Respondent

December 27, 1996

4 pp

Motion for Leave to File 37 Page *Amicus Curiae* Brief of the Anti-Poverty Project of the Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School in excess of the 30 Page Limit

The Anti-Poverty Project of the Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School, by its attorney, Gary H. Palm, moves for leave to file its 37 page brief which is in excess of the 30 page limit for the following reasons:

1. Gary H. Palm misunderstood the United States Supreme Court rules by referring to his outdated 1995 Sullivan's Law Directory which indicated that typewritten *Amicus Curiae* briefs must have no more than 65 pages, U.S. Sup. Ct. Rules 34(g), Sullivan's Law Directory, p. 12c (1995). The double-spaced version of the *Amicus Curiae* brief runs 63 pages.

2. Based on a conversation with a member of the staff of the Clerk of this Court, Rebekah Everest, Mr. Palm's secretary, learned that the brief should be single-spaced, even though it was produced by our computer word processor.

3. Mr. Palm mistakenly concluded that the 65 page limit for the double-spaced brief under the old Rules would apply even though the brief that was filed was single-spaced.

4. The *Amicus Curiae* brief of the Anti-Poverty Project of the Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School presents a special perspective in this case. It is the only program filing an *Amicus Curiae* brief in this case that represents individual clients on a regular basis in seeking child support enforcement services from a State under Title IV-D of the Social Security Act.

5. Both sides consented to the filing of this *Amicus Curiae* brief.

6. The 37 page brief was filed in October, 1996 and was not returned by the Clerk of the Court. Mr. Palm assumed that the brief was in proper form. Hunt André, a Senior Law Student, working under Mr. Palm's supervision, called the clerk in November, 1996 and verified that the brief was filed and in proper form.

7. Mr. Palm first learned that the brief was too long when he called in for his messages on December 26, 1996, and received the message from the Clerk of the Court.

8. There is insufficient time before the January 6, 1997 scheduled argument to revise the brief and have it distributed.

9. Counsel apologizes to the Court for his mistake.

WHEREFORE, the Anti-Poverty Project of the Edwin F. Mandel Legal Aid Clinic of the University of Chicago Law School respectfully requests that it be granted leave to file its 37 page *Amicus Curiae* brief.

Respectfully submitted,

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